REMARKS/ARGUMENTS

The Office Action mailed May 18, 2007 has been considered. Claims 1-28 stand rejected. No claim has been amended, added or canceled. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Claims 1-28 are pending and stand rejected.

Claims 1-2 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 14 and 18 of copending application no. 10/750,290.

Claims 1-6, 8-14, 16-20 and 25-28 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2001/0006006 by Hill (hereinafter "*Hill*") and in view of U.S. Publication No. 2003/0217873 by Paradiso et al. (hereinafter "*Paradiso*").

Claim 7 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Hill* and in view of *Paradiso* and further in view of U.S. Patent No. 5,394,003 to Bales et al. (hereinafter "*Bales*").

Claims 15 and 21-24 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Hill* and in view of *Paradiso* and further in view of U.S. Patent No. 6,285,719 to Sobel (hereinafter "*Sobel*").

Applicant has considered the Office Action and, in particular, the Examiner's Response to Arguments, beginning on the bottom of page 12 of the Office Action. Applicant respectfully submits that the basis for maintaining the rejection of the claims is improper and that the claims as presently pending are patentable over the asserted references, notwithstanding the Examiner's Response to Arguments.

In the opening sentence on page 13 of the Examiner's Response to Arguments, the Examiner contends that "*Paradiso* teaches a transducer in SAW touch sensitive device," in rebuttal to Applicant's argument that *Paradiso* fails to disclose an excitation transducer of any kind. Respectfully, Applicant is unable to find a teaching in *Paradiso* that its transducers as those used in a "SAW" touch sensitive device. More importantly, Applicant maintains its prior position that *Paradiso* fails to teach or contemplate an excitation transducer of any kind.

In particular, *Paradiso* fails to teach or suggest an excitation transducer configured to induce bending waves in a touch plate, as is recited in claim 1.

As was previously argued, all transducers disclosed in *Paradiso* are described as sensing transducers. The transducers disclosed in *Paradiso* are repeatedly described as transducers that are responsive to contact events produced by external impact sources such as a knuckle tap, metal ring tap, a bash-type impact such as when a fist bangs a pane of glass, and external noise (*see, e.g.*, paragraphs [0021], [0037], [0038], [0043], [0067]).

Applicant respectfully submits that the Examiner has yet to identify a teaching in *Paradiso* that supports the Examiner's contention that *Paradiso* discloses an excitation transducer that is configured to induce a bending wave in a touch plate, as is recited in claim 1. The mere assertion in the Examiner's Response to Arguments that "*Paradiso* teaches a transducer in SAW touch sensitive device" does not constitute evidence of a teaching in *Paradiso* that this reference discloses an excitation transducer of the kind contemplated in Applicant's claim 1.

Applicant respectfully submits that the Examiner's characterization of the *Paradiso* teachings is erroneous, and that reliance on same to support the obviousness rejection of Applicant's claims is unsupported by the reference itself or what one skilled in the art would glean from the reference teachings. The deficiency in the characterization of *Paradiso* and the absence of a teaching or suggestion of all elements of Applicant's claim 1 by the combination of *Paradiso* and *Hill* renders the obviousness rejection of claim 1 improper and without basis.

In the Response to Arguments, the Examiner contends that "Hill teaches a controller (34) coupled to the excitation transducer (31) (fig. 8) not via an active buffer" [emphasis added]. This contention appears to contradict the Examiner's prior statements in the previous Office Action acknowledging that *Hill* does not mention a controller coupled to the sensors via the active buffer circuits and to the excitation transducer via a non-actively buffered connection. As was stated in Applicant's prior responsive communication, *Hill*, as characterized by the Examiner, does not discuss the connections between its controller and transducers/sensors in terms of actively or non-actively buffered connections. *Hill*, according to the Examiner, is silent on these connectivity features.

Respectfully, the Examiner's current contention appears to rest on the incredulous argument that the absence in *Hill* of a teaching that the excitation transducer 21 is not coupled via an active buffer to the controller 34 is tantamount to a teaching in *Hill* that the excitation transducer 21 is coupled via a non-actively buffered connection to the controller 34. This unreasonable interpretation of the *Hill* teachings is not supported by the reference itself, and can not sustain a finding of obviousness of Applicant's claims.

For at least these reasons, and reasons set forth in Applicant's prior response, the rejection of claims 1-6, 8-14, 16-20 and 25-28 as being unpatentable over *Hill* and *Paradiso* is improper. Applicant respectfully request withdrawal of the rejection of these claims in view of the deficiencies on the Examiner's grounds for maintaining rejection of the claimed subject matter.

As was previously argued, and as reasserted herein, Applicant respectfully submits that claim 1 is not rendered obvious by the combination of *Hill* and *Paradiso* on several grounds. The asserted combination, for example, fails to teach or suggest all the features of claim 1. The Examiner acknowledges in the record that *Hill* does not mention sensors coupled to a controller via active buffer circuits. The Examiner further acknowledges in the record that *Hill* does not mention a controller coupled to an excitation transducer via a non-actively buffered connection.

Although the Examiner continues to characterize the *Paradiso* disclosure as teaching a controller coupled to sensors via active buffer circuits, the Examiner has not identified a teaching or suggestion in *Paradiso* as to an excitation transducer coupled to a controller via a non-actively buffered connection. Applicant's review of *Paradiso* reveals no teaching whatsoever of an excitation transducer, as all transducers discussed in *Paradiso* are described as sensing transducers, none of which are coupled to a controller via a non-actively buffered connection.

The asserted combination of *Hill* and *Paradiso* fails to teach or suggest all features of Applicant's claim 1. The modification of the *Hill* apparatus using the apparatus of *Paradiso* as suggested by the Examiner would lack an excitation transducer coupled to a controller via a non-actively buffered connection, as is recited in Applicant's claim 1. For at least these

reasons, claim 1 is not obvious in view of the combination of *Hill* and *Paradiso*. MPEP § 2142.

Moreover, the asserted combination provides no teachings or suggestions to support the asserted combination. *Hill*, as characterized by the Examiner, does not discuss the connections between its controller and transducers/sensors in terms of actively or non-actively buffered connections. *Hill*, according to the Examiner, is silent on these connectivity features. *Paradiso*, according to the Examiner, teaches only actively buffered circuit connections between its sensors and controller. *Paradiso*, as discussed above, fails to disclose an excitation transducer of any kind, and clearly does not disclose an excitation transducer coupled to a controller via a non-actively buffered connection. Respectfully, *Hill* and *Paradiso* are devoid of a teaching or suggestion that would support their being combined in the manner suggested by the Examiner.

Moreover, the Examiner's rationale supporting the obviousness rejection of claim 1 as stated on page 5 of the Office Action is insufficient, as it fails to address the absence of the excitation transducer feature of Applicant's claim 1 from the teachings or suggestions of the asserted references, and how this deficiency would be remedied upon reading *Paradiso* and *Hill* by one skilled in the art.

Respectfully, the teachings of the asserted references would not motivate the skilled artisan to connect sensing transducers to a controller in a manner differing from that in which an excitation transducer is connected to the controller. The asserted combination clearly fails to provide a teaching or suggestion that an excitation transducer should be connected to the controller using a non-actively buffered connection, since *Paradiso* fails to disclose an excitation transducer and *Hill* makes no mention of such a connection.

Because the asserted combination of references fails to teach or suggest several of the above-identified limitations, and because the asserted combination does not provide a sufficient basis to support a reasonable expectation of success or the requisite suggestion or motivation to combine or modify the references in the manner suggested by the Examiner, Applicant respectfully submits that the Examiner has failed to establish *prima facie* obviousness of Applicant's subject matter recited in independent claim 1.

Claims 2-6, 8-14, 16-20, and 25-28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Hill* and *Paradiso*. Claim 7 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Hill* and in view of *Paradiso* and further in view of *Bales*. Claims 15 and 21-24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Hill* and in view of *Paradiso* and further in view of *Sobel*.

Each of claims 2-28 depend from independent claim 1 either directly or indirectly. While Applicant does not acquiesce to the particular rejections to these dependent claims, it is believed that these rejections are now moot in view of the remarks made in connection with independent claim 1. These dependent claims include all of the limitations of the base claim and any intervening claims, and recite additional features which further distinguish these claims from any combination of *Hill, Paradiso, Bales,* and *Sobel*. If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, consistent with the *In re Fine* decision, dependent claims 2-28 are not made obvious by the combination of *Hill* and *Paradiso*.

As such, Applicant respectfully requests withdrawal of the §103(a) rejection of claims 1-28, and notification that these claims are in condition for allowance.

It is to be understood that Applicant does not acquiesce to the Examiner's characterization of the asserted art or Applicant's claimed subject matter, nor of the Examiner's application of the asserted art or combinations thereof to Applicant's claimed subject matter. Moreover, Applicant does not acquiesce to any explicit or implicit statements or conclusions by the Examiner concerning what would have been obvious to one of ordinary skill in the art, obvious design choices, alternative equivalent arrangements, common knowledge at the time of Applicant's invention, officially noticed facts, and the like. Applicant respectfully submits that a detailed discussion of each of the Examiner's rejections beyond that provided above is not necessary, in view of the clear absence of teaching and suggestion of various features recited in Applicant's pending claims and the lack of motivation to combine reference teachings. Applicant, however, reserves the right to address in detail the Examiner's characterizations, conclusions, and rejections in future prosecution.

Claims 1-2 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 14 and 18 of co-pending Application No. 10/750,290.

Applicant respectfully asserts that, in view of the arguments made above, the Examiner is compelled to withdraw the substantive art rejections of the claims. Once withdrawn, the only rejection remaining in the subject application is the provisional nonstatutory obviousness-type double patenting rejection. In view of MPEP § 804 I(B)(1), Applicant respectfully submits that the provisional nonstatutory obviousness-type double patenting rejection should be withdrawn and that the subject application be permitted to issue as a patent.

Authorization is given to charge Deposit Account No. 50-3581 (3MMM.563PA) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the Examiner is invited to contact the attorney of record to discuss any issues related to this case.

Respectfully submitted,

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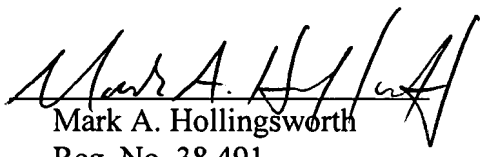
By: 
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